



# Legislative Research Council

## Rules Review Committee Minutes

**Three hundred forty-fourth meeting  
Tuesday  
September 16, 2014**

**Room 414  
State Capitol  
Pierre, South Dakota**

The three hundred forty-fourth meeting of the Rules Review Committee was called to order by Representative Timothy Johns (Chair) at 9:07 a.m. CDT, on September 16, 2014, in Room 414 at the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Department of Human Services, 2361 Dakota Ave. S., Huron, South Dakota; Mitchell Technical Institute, 1800 E. Spruce, Room TC 155, Mitchell, South Dakota; and the University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford and Jean Hunhoff; and Representatives Peggy Gibson, Anne Hajek, and Timothy Johns (Chair). Member excused: Senator Mike Vehle (Vice Chair). Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.sd.gov> under "Interim."

### Approval of Minutes

*Representative Gibson moved, seconded by Representative Hajek, that the minutes of the August 12, 2014, meeting be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

### Rules Reviewed

**Attorney General: Law Enforcement Officers Standards and Training Commission** – Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities.

**Mr. Paul Bachand**, Pierre, Legal Counsel for the Commission, and **Mr. Scott Rechtenbaugh** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Hunhoff, that the review of the rules proposed by the Attorney General: Law Enforcement Officers Standards and Training*

*Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Corrections** – Adopt rules to administer the reinvestment fund program.

**Mr. Pat Pardy** reviewed the proposed rules. He noted that the title page had been corrected to include only the three rules in Chapter 17:10:07.

*Senator Bradford moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Corrections is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Transportation** – Adopt Rest Area Newspaper Vending Devices rules concerning the location, operation and maintenance of newspaper vending machines at interstate rest areas.

**Mr. Bill Nevin** reviewed the proposed rules.

### **Public Testimony**

**Mr. David Bordewyk**, Brookings, South Dakota Newspaper Association, spoke in support of the proposed rules.

Following a brief discussion, it was the consensus of the committee that the department should consider charging a fee for the vending machines.

*Representative Gibson moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Labor and Regulation: Division of Securities** – Amend rules to revise the dollar amount thresholds required for Investment Advisors in South Dakota to enter into a contract charging performance compensation fees, and to officially recognize the change of the name from Standard & Poor's Standard Corporation Descriptions to S&P Capital IQ Standard Corporation Descriptions.

**Mr. Jay Addison** reviewed the proposed rules.

*Representative Hajek moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Labor and Regulation: Division of Securities is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Revenue: South Dakota Commission on Gaming** – Amend Racing rules to require that individuals give written notice to a state steward rather than the racing secretary when scratching horses from races, remove Naproxen and add Flunixin to the list of substances that may be administered to horses, repeal the prohibition on sale of tip sheets and other programs in the grandstand, and clarify the definition of a satellite facility; and amend Gaming rules to authorize a new variation of blackjack known as Lucky Lucky, revise a rule to recognize technological advances in slot machine meters, and reduce the length of time records must be kept from five years to three years.

**Mr. Larry Eliason**, Executive Secretary, **Mr. Mike Shaw**, Pierre, Legal Counsel for the Commission, and **Mr. Craig Sparrow** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Hunhoff, that the review of the Racing rules proposed by the Department of Revenue: South Dakota Commission on Gaming is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

*Representative Gibson moved, seconded by Representative Hajek, that the review of the Gaming rules proposed by the Department of Revenue: South Dakota Commission on Gaming is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Revenue: South Dakota Lottery Commission** – Adopt the MONOPOLY Millionaires' Club rules of the National Premium Game Product Group of the Multi-State Lottery Association as the rules for the game in South Dakota.

**Mr. Norm Lingle** reviewed the proposed rules.

*Representative Hajek moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Revenue: South Dakota Lottery Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

At 10:42 a.m. the committee took a break due to DDN technical difficulties.

**Department of Human Services: Division of Rehabilitation Services** – Adopt rules to govern the Telecommunications Equipment Distribution Program which provides devices and training to assist with telecommunication for individuals who are deaf, hard of hearing, or have speech impairments; adopt rules to govern the Telecommunications Adaptive Devices Program which provides devices and training to assist with telecommunications for individuals who have disabilities other than deafness, hard of hearing, or speech impairments; adopt rules for the Hearing Aid Assistance Program to assist with providing hearing aids to young people who are deaf or hard of hearing; and adopt rules to govern the Communication Assistance Services program which provides communication support services to individuals who are deaf and hard of hearing.

**Mr. Grant Flynn** and **Mr. Eric Weiss** reviewed the proposed rules.

### **Public Testimony**

**Ms. Patty Kuglitsch**, Sioux Falls, South Dakota Association of the Deaf, spoke in opposition to the proposed rules regarding the eligibility criteria and financial need limits that will be required to qualify for assistance in purchasing the new telecommunications equipment and devices. She stated that in the past, the TYY devices were provided at no cost.

*Representative Gibson moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Human Services: Division of Rehabilitation Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Bureau of Human Resources and Civil Service Commission** – Amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal.

**Ms. Debra Owen** reviewed the proposed rules.

*Senator Hunhoff moved, seconded by Senator Bradford, that the review of the rules proposed by the Bureau of Human Resources and the Civil Service Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Labor and Regulation: Division of Unemployment Insurance** – Amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business.

**Ms. Pauline Heier** reviewed the proposed rules.

*Representative Johns moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Labor and Regulation: Division of Unemployment Insurance is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

### **Next Meeting**

The next meeting of the Interim Rules Review Committee will be on Wednesday, November 12, 2014.

### **Adjournment**

*Representative Hajek moved, seconded by Representative Gibson, that the meeting be adjourned. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, and Johns. Member excused: Vehle.*

Chair Johns adjourned the meeting at 11:38 a.m.